

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT M. BOURNE
Plaintiff

vs.

LANCASTER NEWSPAPER INC.
Defendant.

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C.A. No. 06-35 Erie
District Judge Cohill
Magistrate Judge Baxter

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

I. REPORT

It is respectfully recommended that this action be transferred to the United States District Court for the Eastern District of Pennsylvania.

The Report and Recommendation issued February 24, 2006 is hereby withdrawn.

II. RECOMMENDATION

Plaintiff Robert Bourne, presently incarcerated at the Lancaster County Prison in Lancaster, Pennsylvania, brings this action *pro se* pursuant to 42 U.S.C. § 1983. Plaintiff claims that Defendant violated his civil rights by maliciously slandering him and defaming his character. In addition to his complaint, Plaintiff has filed a motion to proceed *in forma pauperis*.

Title 28 U.S.C. § 1404(a) provides that “for the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.”

Title 28 U.S.C. § 1391(b) provides that venue is proper in civil rights actions in (1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. In this case, Defendant is not located within this District and the act of defamation is not alleged to have occurred within this District. This Court also notes that Plaintiff is not

incarcerated within this District.

For the convenience of the parties, this Court recommends that this case be transferred to the Eastern District.

III. CONCLUSION

For the foregoing reasons, this case be transferred to the United States District Court for the Eastern District of Pennsylvania.

The Report and Recommendation issued February 24, 2006 is hereby withdrawn.

In accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, the parties are allowed ten days from the date of service to file objections to this Report and Recommendation.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge

Dated: April 11, 2006